

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

JAMES E. SHELTON, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

DOT Compliance Services, LLC

and

Christian Perales

Defendants.

Case No.

2:24-CV-02140-WB

JURY TRIAL DEMANDED

STATUS REPORT IN LIEU OF RULE 26(F) MEETING REPORT

COMES NOW Plaintiff James E. Shelton, by and through the undersigned counsel, and respectfully files the following status report. Both Defendants in this matter, DOT Compliance Services, LLC and Chrisitan Perales, are in default. The Clerk of Court entered default on September 19, 2024. (ECF No. 12). Accordingly, as no counsel has appeared for the Defendants, the Plaintiff was unable to conduct a Rule 26(f) conference.

1. Discussion of Claims, Defenses, and Relevant Issues

Plaintiff brings suit under the TCPA alleging that he was contacted without his permission, including with highly-illegal prerecorded voice “robocalls” and after being listed on the Do Not Call list. In his Amended Complaint, the Plaintiff has pled a class of individuals who also received similar pre-recorded calls. However, as the Defendants have not appeared to plead or otherwise defend in this matter, the Plaintiff is precluded from asserting class claims, as no class can be ascertained without evidence in the form of the Defendant’s calling records. Counsel for the Plaintiff, therefore, intends to file shortly an individual motion for default judgment, thus disposing of this case, as to the Plaintiff’s individual TCPA claims only.

2. Initial Disclosures

As discussed, because the Defendants are in default, the parties have not exchanged initial disclosures.

3. Discovery

As discussed, because the Defendants are in default, the parties have not engaged in discovery. Without discovery to ascertain who all is a member of the class, the Plaintiff intends to seek an individual default judgment as to his individual claims based on the well-pled, admitted, and uncontroverted facts in his complaint.

4. Electronic Discovery

As discussed, because the Defendants are in default, the parties have not engaged in electronic discovery. Without discovery to ascertain who all is a member of the class, the Plaintiff intends to seek an individual default judgment as to his individual claims based on the well-pled, admitted, and uncontroverted facts in his complaint.

5. Expert Witness Disclosures

The Plaintiff does not intend to rely on any experts in seeking default judgment

6. Early Settlement or Resolution

The Plaintiff intends to file a motion for default judgment shortly, which will dispose of all claims.

7. Trial Date

The Plaintiff intends to file a motion for default judgment shortly, which will dispose of all claims and not necessitate a trial, jury or otherwise.

8. Other

In light of the foregoing, the Plaintiff respectfully requests that the Court vacate its scheduled October 2, 2024 hearing. The Plaintiff is not opposed to the Court entering an order directing him to file a motion for default judgment by a date certain.

RESPECTFULLY SUBMITTED AND DATED this September 27, 2024.

/s/ Andrew Roman Perrong
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CERTIFICATE OF SERVICE

I certify that I filed the foregoing via ECF on the below date.

I further certify that I mailed a copy of the foregoing to:

DOT COMPLIANCE SERVICES, LLC
AND CHRISTIAN PERALES
3232 TRUXILLO DR.
DALLAS, TX 75228

Tracking Number: 0031090333148000102575228233832

Dated: September 27, 2024

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